COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

the Matter of:	
LOUISVILLE GAS AND ELECTRIC COMPANY	•)
) CASE NO. 96-246
ALLEGED VIOLATION OF COMMISSION REGULATION 807 KAR 5:041, SECTION 3)))

In

ORDER

The Louisville Gas and Electric Company ("LG&E"), a Kentucky corporation which engages in the distribution of electricity to the public for compensation for light, heat, power, and other uses, is a utility subject to Commission jurisdiction. KRS 278.010; KRS 279.210.

KRS 278.280(2) directs the Commission to prescribe rules and regulations for the performance of services by utilities. Pursuant to this statutory directive, the Commission promulgated Commission Regulation 807 KAR 5:041, Section 3, which requires electric utilities to maintain their plant and facilities in accordance with the standards of the National Electrical Safety Code (1990 edition) ("NESC").

NESC Code Section 013B provides that facilities which are in compliance with the NESC edition in effect at the time of their construction need not comply with the current edition of the NESC.

On October 1, 1983, Commission Regulation 807 KAR 5:041, Section 3, required an electrical utility to construct and maintain its facilities in accordance with the National Electrical Safety Code (1981 ed.) ("1981 NESC").

Commission Staff has submitted to the Commission an Accident Investigation Report dated May 14, 1996, appended hereto, which alleges:

- 1. On December 28, 1995, Nicholas Poth was fatally injured while installing cable television service at 4801 Toledo Lane, Louisville, Kentucky.
- 2. At the time of the incident, Poth stood on a fiber glass extension ladder that was leaning against an LG&E utility pole and positioned directly under a 7200 volt conductor. He was electrocuted when the conductive extension of the fiberglass pole which he was using to pull coaxial cable through a nearby tree came into contact with the 7200 volt overhead conductor.
 - 3. LG&E owned the 7200 volt overhead conductor.
 - 4. LG&E installed the utility pole in question on October 1, 1983.
- 5. After the incident on December 28, 1995, Commission Staff measured the line clearances of the facilities in question. It found, <u>inter alia</u>, that the vertical clearance between the telephone conductor and the cut-out on the utility pole was 36 inches.
- 6. The vertical clearance between the telephone conductor and the cut-out did not comply with 1981 NESC Section 235C1 which requires a vertical clearance of 40 inches between communications conductors and open supply conductors having a voltage of 7200 volts.

- 7. The vertical clearance between the telephone equipment and the cut-out did not comply with 1981 NESC Section 238B which requires a vertical clearance of 40 inches between communications equipment and supply conductors located on the same structure.
- 8. As a result of these failures, LG&E is in probable violation of Commission Regulation 807 KAR 5:041, Section 3.

Based on its review of the Accident Investigation Report and being otherwise sufficiently advised, the Commission finds that <u>prima facie</u> evidence exists that LG&E failed to comply with Commission Regulation 807 KAR 5:041, Section 3.

The Commission, on its own motion, HEREBY ORDERS that:

- 1. LG&E shall appear before the Commission on September 10, 1996 at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violations of Commission Regulation 807 KAR 5:041, Section 3, and of showing cause why it should not be subject to the penalties prescribed in KRS 278.990(1) for these alleged violations.
- LG&E shall submit to the Commission within 20 days of the date of this
 Order a written response to the allegations contained in the Accident Investigation
 Report.
- 3. The Accident Investigation Report of May 14, 1996, a copy of which is appended hereto, is made part of the record of this proceeding.

4. Any motion requesting any informal conference with Commission Staff to consider any matter which would aid in the handling or disposition of this proceeding shall be filed with the Commission no later than 20 days from the date of this Order.

Done at Frankfort, Kentucky, this 11th day of June, 1996.

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner

ATTEST:

Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE PUBLIC SERVICE COMMISSION OF KENTUCKY

IN CASE NO. 96-246 DATED JUNE 11, 1996,

Kentucky Public Service Commission Accident Investigation Staff Report

Utility:	Louisville Gas and Electric Comp	oany			
Reported By:	Mr. George R. Siemens, Jr.				
Dates & Times					
Accident Occurred:	12-28-95 2:30 p.m.				
Utility Notified:	12-28-95 2:33 p.m.		<u>.</u>		
PSC Notified:	12-28-95 3:25 p.m.				
Investigated:	12-28-95				
Written Report Rcvd:	01-04-96				
Location of Accident:	4801 Toledo Lane, Louisville, K	ď			
Description of Accident:	Mr. Poth was in the process of instal a ladder at LG&E's utility pole and to fish coaxial cable through sort contact with the cutout, resulting	d used a fiberglass pone nearby trees. The	ole with a c	conductive	extension
Victims:					
Name:	Mr. Nicholas Poth	FATAL:	Yes	AGE:	31
Addr./Empl.:	NaCom				
Injuries:	Electrocution			,	
Witnesses:	None			•	
Name:					
Addr./Empl.:					

Kentucky Public Service Commission Accident Investigation Staff Report

Persons Assisting in				
the Investigation:				
Name:	Mr. Thomas G. Fort	ney		-
Addr./Empl.:	NaCom, Project Ma	nager		
Name:	Mr. Larry Miller			
Addr./Empl.:	LG&E, Fire & Secu	rity Investigat	or	
Name:	Mr. George Siemens	3		
Addr./Empl.:	LG&E, Director, Ex	ternal Affairs		
Probable Violations:	Rule 238B, Vertical	ıl Clearance B Clearance Bet	NESC: etween Line Conductors and ween Line Wires, Conductors quipment Located at Differen	s, or Cables and Non-
Line Clearances:	Measured	Minimum Allowed by NESC	NESC Edition 1981	Voltage
Telephone Drop to Ground Elev.:	21 feet	10 feet	Rule 232A, Table 232-1	NA
Cut-Out to Ground Elev.:	24 feet	18 feet	Rule 232C, Table 232-2	7200 Volts
Cut-Out to Telephone Drops:	41 inches, diagonal measurement	Not Applicable	Not Applicable - Used to Check Vertical	7200 Volts
Cut-Out to Pole:	1 foot 10 inches, horizontal measurement	Not Applicable	Not Applicable - Used to Check Vertical	7200 Volts

Kentucky Public Service Commission Accident Investigation Staff Report

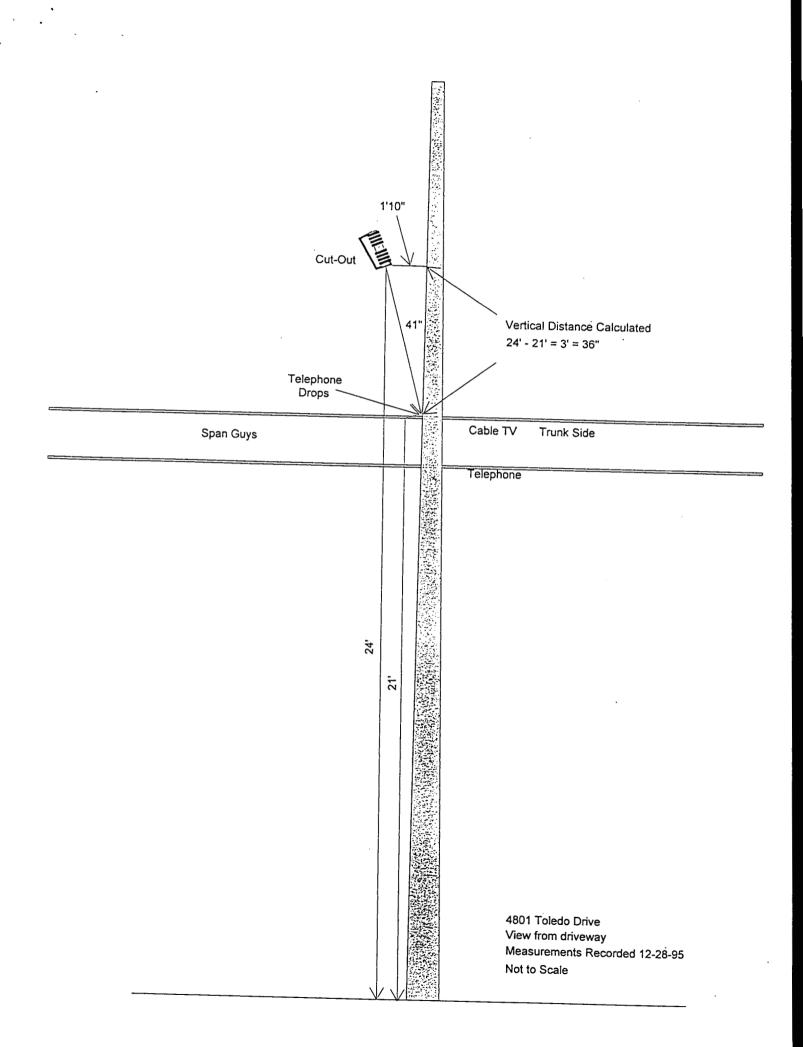
	<u></u>			
Cut-Out to Telephone Drops:	36 inches, vertical distance calculated	40 inches, vertical	Rule 235C, Table 235-5 or Rule 238B, Table 238-1	7200 Volts
Remarks:	December 28, 1995. view the aerial read staff inspector, to per 7, 1996, but found discovered that draw measurements. We difference between elevation clearance. our measurements of The vertical distance service drops) was care	I observed rings. I advise form our own that the cut-ovings submitted returned to the original A 6.5 inch diff the telephone between the alculated as formations.	vere made by LG&E personnel eadings measured to the grounded LG&E of my intent to return the easurements. We returned to the state assembly had been removed by LG&E were in conflict the site on March 6, 1996, a measurement for the telephoral ference was found between Lee company span guy ground control eccut-out and communications allows: Cut-out to Ground Elevation (21 feet) = 3 feet, or 36 in	nd, but was unable to m with John Land, a to the site on February ed. Later, it was with the above listed and found a 0.5 inch one drops to ground G&E's drawings and learance. facilities (telephone vation (24 feet) minus
Investigated By:	Martha M. Morton			
Signed:	Marcha	1. Ments		

Attachments:

- A Staff Drawings Summarizing Measurements
- B Correspondence
- C LG&E's Written Report
- D Drawings Provided by LG&E

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		Staff Drawings Su	mmarizing Measurements
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Accident Investigation Report Louisville Gas and Electric Company Mr. Nicholas Poth



Cut-Out Removed Telephone Drops ~ Span Guy Removed Cable TV Trunk Side Telephone Span Guy 19' 10.5" Measured at pole to ground elevation 4801 Toledo Drive View from driveway Measurements Recorded 3-6-96 Not to Scale

Attachment B

Correspondence



COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY 40602 (502) 564-3940

February 9, 1996

Mr. George Siemens Louisville Gas and Electric Company P. O. Box 32010 Louisville, KY 40232-2010

Re:

Accident Investigation

F. Nicholas Poth

Dear Mr. Siemens:

On February 7, 1996, we returned to the accident site and found that the cutout assembly had been replaced. Please provide the following information:

- 1. An explanation of why it was necessary to replace the cutout.
- 2. The date of replacement.
- 3. Copies of any work orders related to the replacement of the cutout.

I would appreciate a response by February 20, 1996 so we may complete this investigation.

Sincerely,

Martha M. Morton

Manager, Electric Branch

Division of Engineering and Services

Marcha M. Mita



George R. Siemens, Jr. Director External Affairs

February 20, 1996

Louisville Ges and Electric Company 220 West Main Street P.O. 6px 32010 Louisville, Kentucky 40232 502-627-2323 502-627-2920 FAX

Ms. Martha M. Morton
Manager, Electric Branch
Division of Engineering and Services
Kentucky Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, KY 40602

Re: Accident Investigation - F. Nicholas Poth

Dear Ms. Morton:

In response to your letter dated February 9, 1996, listed below is the information which you requested.

1. An explanation of why it was necessary to replace the cutout.

After all photographs and measurements were taken, the equipment which showed evidence of electrical arcing and burns was removed as a normal course of action to ensure the preservation and integrity of the equipment involved for evidence purposes should a legal proceeding arise.

2. The date of replacement.

The cutout in question was replaced on the evening of December 28, 1995 after all photographs and measurements were taken.

3. Copies of any work orders related to the replacement of the cutout.

Attached is a copy of the correction order issued on December 28, 1995.

If you desire any further information or have additional questions, please do not hesitate to contact me.

Sincerely,

Attachment

A SUBSIDIARY OF LGS ENERGY

Feb 20 '96 13:18 P.04/05 Feb 15'96 14:12 No.006 P.01

Addr: 4801 TOLEDO LN Rec Ry 2050 Meosco 205 G T C F Mame: FIRE DEPT MEF By Grd 39806-83114 FRJ Time: 28-DEC-1995 14:33 Phone Assigned at 28-DEC-1995 14:41 Addl Tim Tag: Dty SE Dtz SE Sz i PCB -1 Custs 1 MMC Tr: 23277 MN 31249 Nature Of Complaint qq Noc Coda 19 N R FMIS MO Shock Complaint

Complaint Answered at 28-DEC-1995 15:18 (By 1352 MCMILLIAN) Cause operandopper conditions found operandopper conditions for co

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Attachment C

LG&E's Written Report

George R. Siemens, Jr. Director External Affairs

January 2, 1996

Louisville Gas and Electric Company 220 West Main Street P.O. Box 32010 Louisville, Kentucky 40232 502-627-2323 502-627-2930 FAX

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DIVISION OF UTILITY ENGINEERING & SERVICES

Ms. Martha Morton, Manager Electrical Branch Kentucky Public Service Commission 730 Schenkel Lane P.O. Box 615 Frankfort, KY 40602

RE:

Electrocution at 4801 Toledo Lane Louisville, Kentucky -- December 28, 1995

Dear Ms. Morton:

Attached is an "Investigation Report" prepared by Larry Miller on the above incident. This is filed in compliance with the seven-day reporting requirement.

If you need additional information concerning this incident, please let me know.

Sincerely

Attachment

A SUBSIDIARY OF LG&E**NERGY**•



Louisville Gas and Electric Company 220 West Main Street P.O. Box 32010 Louisville, Kentucky 40232

PROPERTY AND CASUALTY CLAIMS INVESTIGATION REPORT

ELECTRICAL CONTACT

Type of Report

95-E-056

Report Number

A.L. Miller

Investigator

December 28, 1995

Date of Incident

Reference:

Electrocution

Location:

4801 Toledo Lane

Louisville, KY 40272

Case Summary:

LG&E received a call at 2:33 p.m. on Thursday, December 28, 1995, from the Pleasure Ridge Park Fire Department advising of a possible electric shock. LG&E dispatched a crew to the scene at 2:41 p.m.

Larry Miller, Fire and Security Investigator, arrived at the scene at 4:15 p.m. LG&E personnel, TKR, NACOM (the TKR subcontractor performing the work), Jefferson County Police, Pleasure Ridge Park Fire personnel, and news media were on the scene.

The deceased, Frederick Nicholas Poth, 1707 Crystal Drive, LaGrange, Kentucky, was 31 years of age and had worked for NACOM for approximately thirteen years.

Mr. Poth was installing cable for TKR to 4801 Toledo Lane when the incident occurred. He was standing on a fiberglass extension ladder that was placed against LG&E's utility pole. The ladder was positioned directly under the 7200 volt stinger. He was using a fiberglass pole with an aluminum extension in an attempt to pull the cable wire up through a nearby tree to the pole. It appears that his left hand was on the aluminum portion of the pole and his right hand was on the head guy for the cable TV line when the top portion of the aluminum extension pole touched the top section of the cutout, resulting in electrocution.

alm

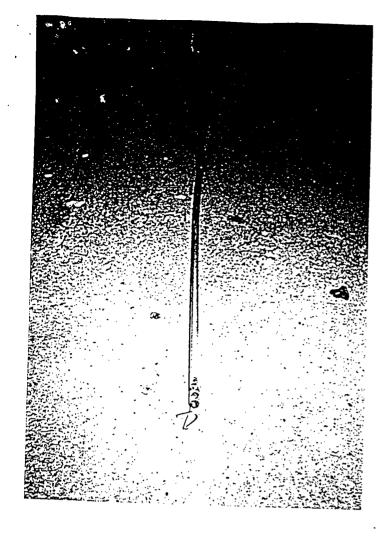
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The utility pole was originally installed on December 8, 1955. It was replaced on October 1, 1983. The vertical clearance between communication conductors and supply equipment as measured by Ron Hasch, LG&E Job Coordinator at the scene, was thirty inches. Our measurement indicated a forty-one inch clearance from the lowest conductor energizing the transformer to the TKR cable.

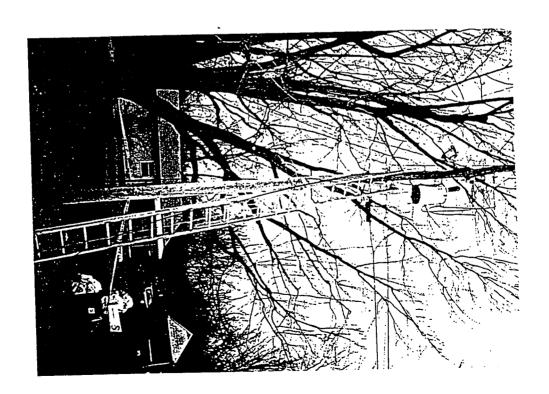
The Public Service Commission was notified by George Siemens at approximately 3:25 p.m. Martha Morton, Manager of the Electrical Branch, was driven to the scene by Mr. Siemens at approximately 6:20 p.m.

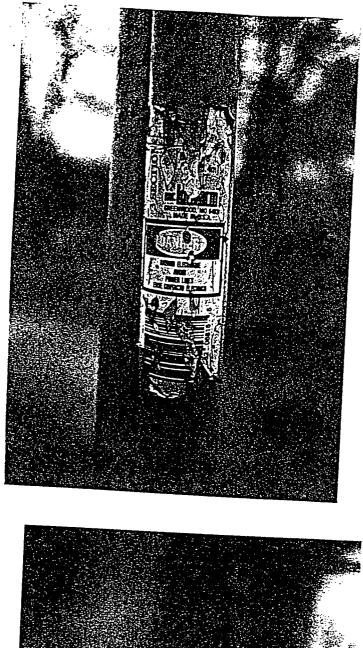
Photographs were taken at the scene.

asm



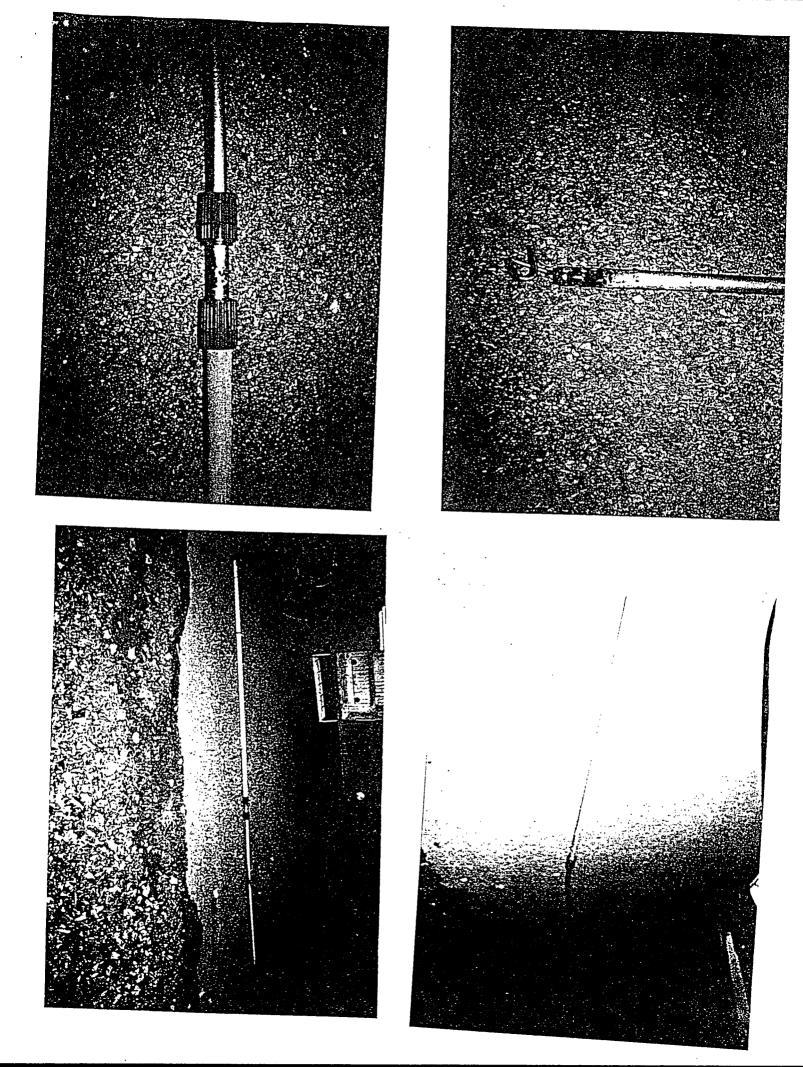


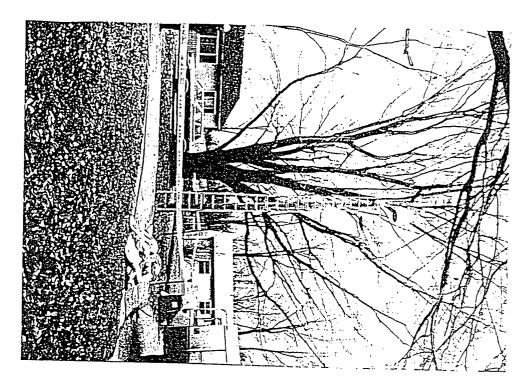


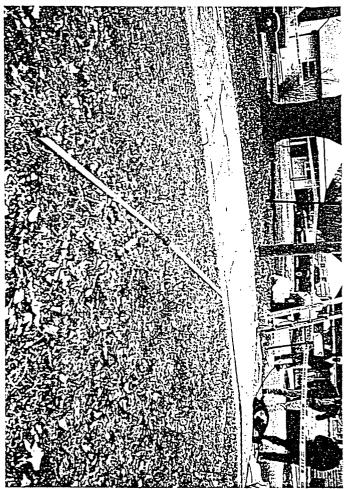


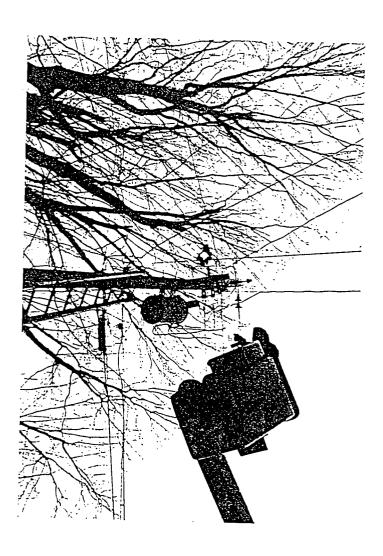


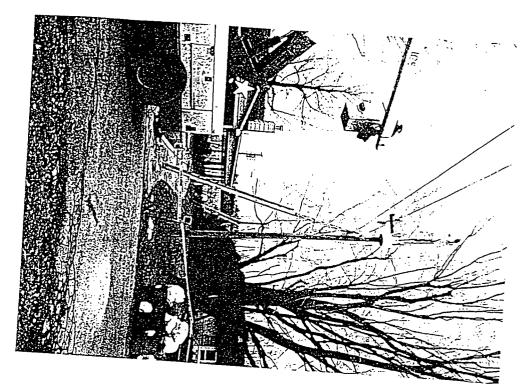


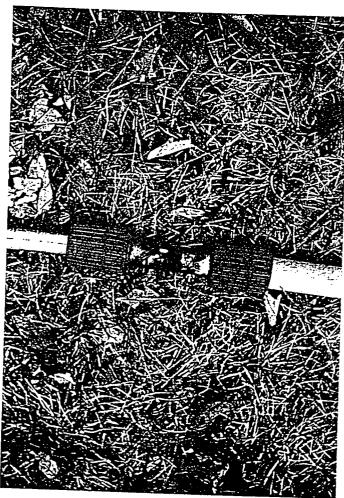


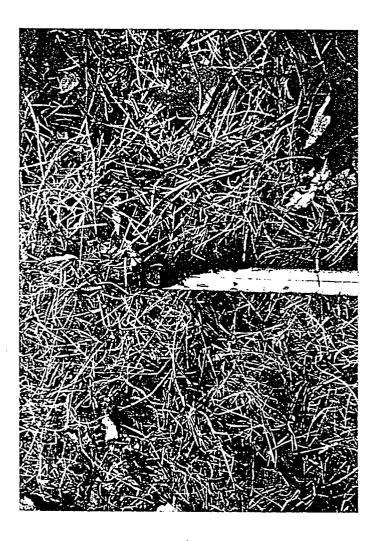


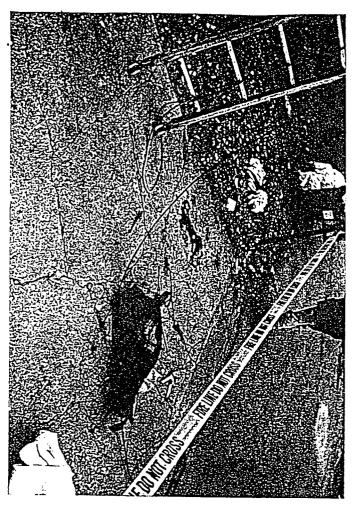


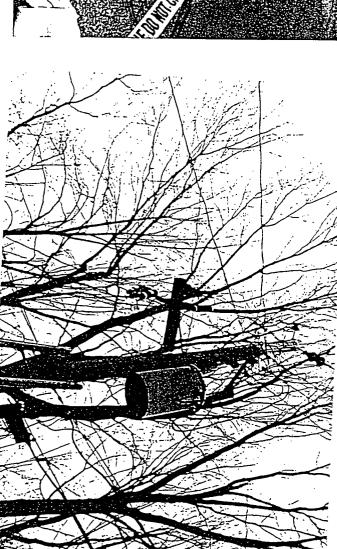


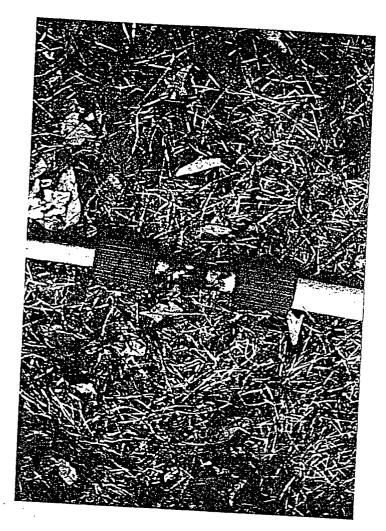


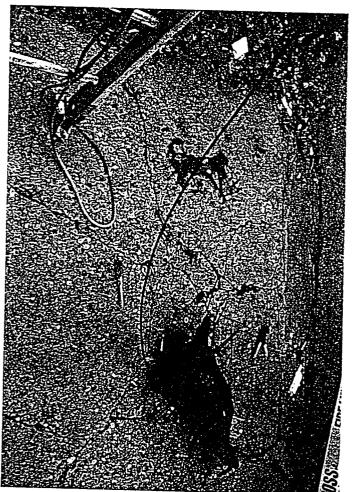


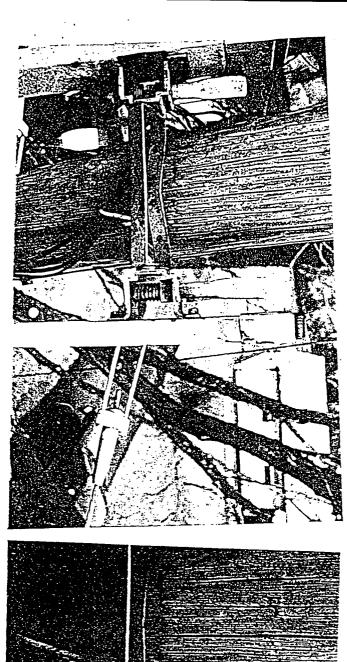


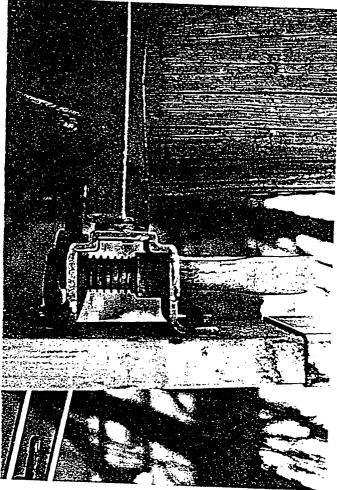


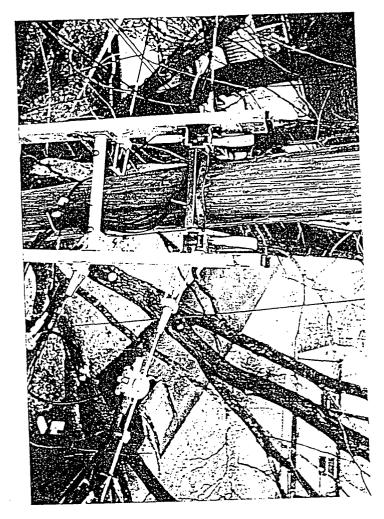




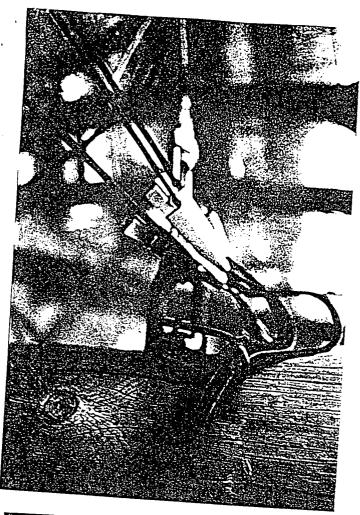




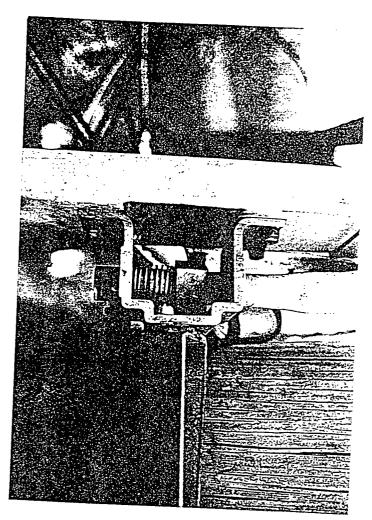


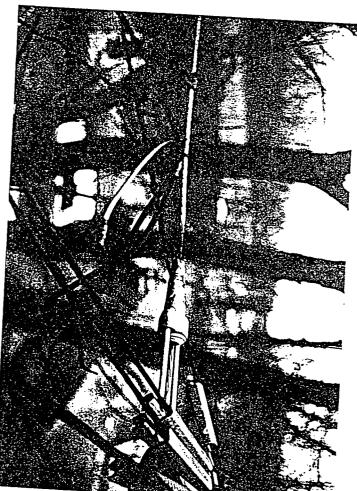








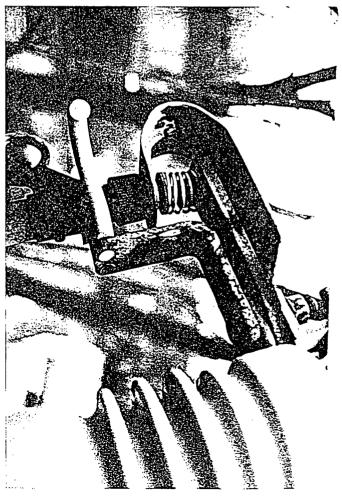




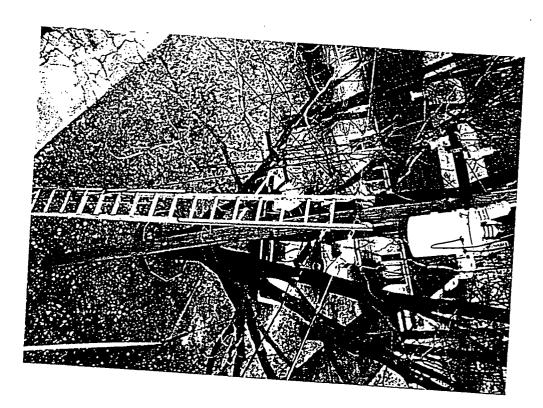






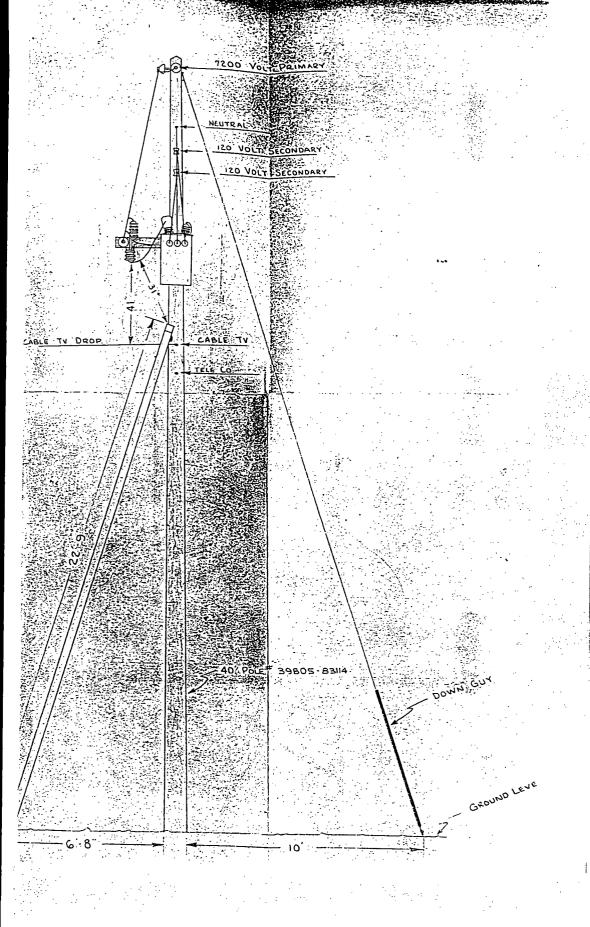


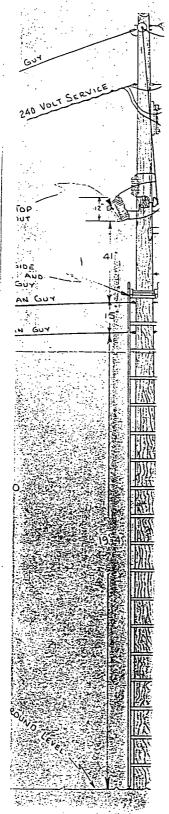


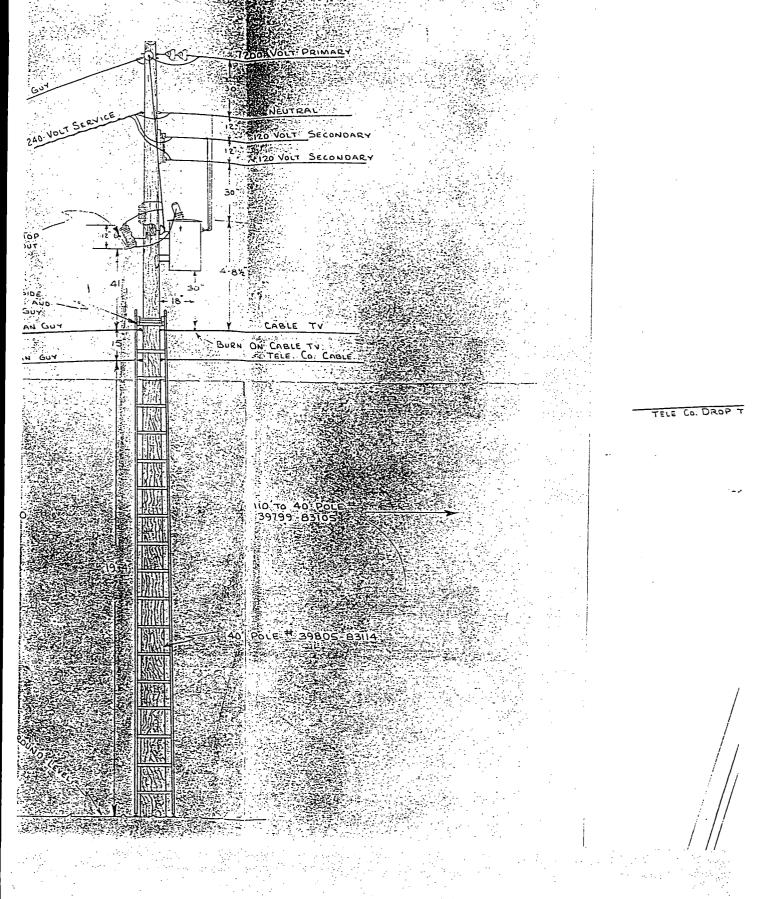


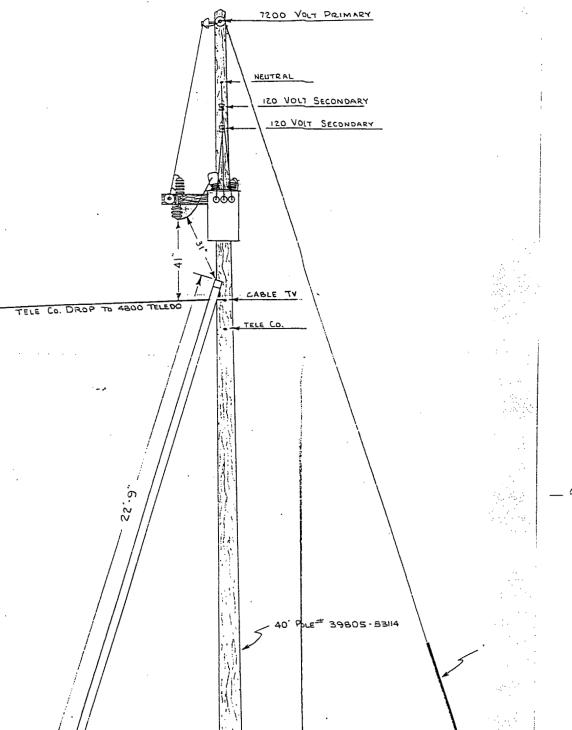
Attachment D

Drawings Provided by LG&E









SPAN

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BURN'S ON TO SIDE OF CUTOI

BURNS ON BACK S.
OF LADDER HOOKS
CABLE TV SPAN G

CABLE TV SP

TELE. Co. SPAI

__ 67' TO 20' GUY POLE 39807 - 8312C

40' POLE = 3980

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